

REMARKS

In the Office Action of October 14, 2003, claim 18 was objected to under 37 CFR 1.75(c) as being of improper dependent form. This objection is now moot in view of the cancellation of this claim.

Claims 37-41 and 48 have been rejected under 35 U.S.C. 103(a) as obvious over Baymiller (U.S. Patent No. 3,816,236) in view of McClain et al. (U.S. Patent No. 1,299,747). This ground of rejection is respectfully traversed.

The Examiner states that the laminated products taught by Baymiller and McClain read on the presently claimed product since the product taught by the references comprises the same layers in the same relative order as presently claimed. The Examiner also maintains that process limitations do not serve to patentably distinguish a product claim from a product taught in the prior art.

Claim 37, and those claims dependent on claim 37 (including claims 38-41 and 48), are in product-by-process format. Notwithstanding, the product limitations of the claims must be afforded patentable significance, and the burden of proof remains upon the Examiner to establish a prima facie case of obviousness for these claims.

With respect to Baymiller, the Examiner states that although kraft paper is not the preferred cross-banding material disclosed in the reference, the preferred embodiment (felt) does not constitute a teaching away from a broader disclosure of non-preferred embodiments. The trouble with this statement is that kraft paper is not an embodiment of the Baymiller reference at all. The only discussion of kraft paper in Baymiller is for the express purpose of teaching that kraft paper is not suitable in the disclosed invention. Moreover, the felt sheet described in the Baymiller reference is not the preferred embodiment, it is the only embodiment. The reason that Baymiller is limited to a felt sheet is that only felt has the requisite porosity to enable the resin to saturate the sheet completely in a short period of time. See col. 1, lines 40-45 of Baymiller. The use of a kraft paper in Baymiller was considered but rejected on the basis that kraft paper does not have the necessary porosity for absorption of the resin prior to curing. See col. 2, lines 46-50

of the reference, which explains that a felt surface can be rewetted in 20 seconds, whereas a kraft paper substrate will not completely rewet even after 8 minutes. Thus, contrary to the Examiner's assertions, applicant's position remains that Baymiller teaches away from the use of kraft paper as a cross-banding material.

As previously acknowledged by the Examiner, Baymiller also fails to disclose that a resin-impregnated sheet can be applied to the non-veneered surface of the laminate. The McClain reference has apparently been cited in order to overcome this deficiency of the primary reference.

With regard to the McClain reference, it is noted, first of all, that the use of a resin-impregnated sheet on the non-veneered surface is for purposes of providing a durable finish to that face of the laminate, rather than preventing warpage as is the case in the present invention. Moreover, McClain uses a binding sheet formed from fabric, not paper, and in this respect it is clear that any combination of the Baymiller and McClain references would not teach or suggest the use of kraft paper as a binding material as required in the present invention.

Claims 46 and 47 have been rejected under 35 U.S.C. 103(a) as obvious over Baymiller in view of McClain, and further in view of Guyette (U.S. Patent No. 5,425,986). This ground of rejection is traversed.

The Guyette reference has been cited for its disclosure that kraft paper can be manufactured in certain weight ranges as claimed in claims 46 and 47. However, Guyette fails to cure the other deficiencies of the Baymiller or McClain references, and Guyette specifically fails to teach or suggest the use of kraft paper as a binding sheet as claimed in applicants' claims 46 and 47.

Claims 42-45 have been rejected under 35 U.S.C. 103(a) as obvious over Baymiller in view of McClain, and further in view of Brooker et al. (U.S. Patent No. 5,723,221). This rejection is also traversed.

Booker et al. has been relied upon as teaching that melamine and urea formaldehyde resins are interchangeable for use as adhesives to saturate paper sheets in high or low pressure processes, and that various fillers can be added to the adhesive. Notwithstanding, there is no

disclosure in Booker et al. that would teach or suggest the use of kraft paper as a binding layer in Baymiller or McClain.

Claim 49 stands rejected under 35 U.S.C. 103(a) as obvious over Baymiller in view of McClain, further in view of Carter et al. (U.S. Patent No. 5,704,134) or Sunol (U.S. Patent No. 3,816,236). This ground of rejection is also traversed.

The Carter et al. and Sunol references relate to dried wood products having a reduced moisture content. Applicants submit that neither of these references is effective to cure the deficiencies of the Baymiller or McClain references regarding the use of a kraft paper binding sheet as discussed above.

Claims 37-41 and claim 48 are rejected under 35 U.S.C. 103(a) as being obvious over Molloy et al. (U.S. Patent No. 3,916,059) in view of Baymiller. This ground of rejection is traversed.

The Examiner has taken the position that the process limitations in claims 37-41 and 48 do not patentably distinguish the product claim from the product taught in the prior art unless the process limitations result in a patentably distinct product.

Molloy et al. is directed to crossbanding sheets for laminated furniture panels used to provide increased strength and stiffness. The crossbanding sheets of Molloy et al. are prepared from a combination of glass fibers and cellulose fibers. Molloy et al. does not teach or suggest a resin saturated kraft paper crossbanding material. The Baymiller reference has apparently been cited in order to cure this deficiency.

As noted previously, Baymiller is limited to a felt crossbanding material, and does not teach or suggest a kraft paper binding sheet. Accordingly, Baymiller fails to cure the deficiencies of the Molloy et al. reference.

Claims 46 and 47 have been rejected under 35 U.S.C. 103(a) as obvious over Molloy et al. in view of Baymiller, and further in view of Guyette. This ground of rejection is respectfully traversed.

The basis for traversing this ground of rejection is that none of the references, either singly or in combination, teach or suggest the laminated product of this invention which requires

the presence of an alpha cellulose binding sheet. All of the references in fact describe binding sheets fabricated from other materials.

Claims 42-45 stand rejected under 35 U.S.C. 103(a) as obvious over Baymiller in view of McClain and Brooker et al. This ground of rejection is traversed.

As discussed above, neither the Baymiller nor the McClain references disclose the kraft paper binding layer for preparing the laminate product as required in claims 42-45. The Booker et al. reference, which has apparently been relied upon primarily for its teaching regarding the alleged equivalency of melamine and urea formaldehyde resins, also fails to teach or suggest a kraft paper binding layer.

Claim 49 also stands rejected under 35 U.S.C. 103(a) as obvious over Molloy et al. in view of Baymiller, and further in view of Carter et al. or Sunol. This ground of rejection is traversed.

None of the applied references, either singly or in combination, disclose the kraft paper binding layer required in claim 49. Consequently, none of these references teaches or suggests the invention recited in this claim.

Claims 17-21 and 24 have been rejected under 35 U.S.C. 103(a) as obvious over Baymiller in view of McClain and Brooker et al. This ground of rejection is also traversed.

Claims 19-21 and 24 are dependent on claim 17 (claim 18 has been canceled). Claim 17 is directed to a laminated composite wood product having a substrate with melamine-saturated alpha cellulose sheets on each side of the substrate, and a veneer on only one of the cellulose sheets.

As noted previously, the Baymiller reference is directed to the use of a felt material as a binding layer and not kraft paper. Accordingly, one skilled in the art, following the express teachings of Baymiller et al., would be motivated to use kraft paper as a binding material in place of felt. Contrary to the Examiner's position, kraft paper is not described in the reference as an alternative embodiment, but rather it is used as an example of a non-working embodiment. The remaining references, namely McClain and Brooker et al., also fail to disclose the use of kraft paper as a binding material.

In view of the foregoing facts and reasons, this application is now believed to overcome all remaining rejections, and to otherwise be in proper condition for allowance. Entry of this Amendment is appropriate at this time since it provides for the cancellation of certain claims, thus reducing the issues for consideration and/or appeal. Accordingly, withdrawal of the outstanding rejections, and favorable action on this application, is solicited. The Examiner is invited to contact the undersigned at the telephone number listed below if this is believed to facilitate allowance of this application.

Respectfully submitted,

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